

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

SANDRA LEE,)
PLAINTIFF,)
v.) Case No. 17-cv-00500
RUBIN LUBLIN TN, PLLC, and)
BANK OF AMERICA, NA,)
DEFENDANTS.)

**MOTION FOR LEAVE TO RESPOND TO DEFENDANT'S
MOTION TO DISMISS OUT OF TIME**

Plaintiff, Sandra Lee, by and through counsel, hereby moves this Court to allow a late-filed response to the Defendants' motion to dismiss. (Docs. 10, 11, 12, & 13). As stated below and in her contemporaneously filed Motion for Extension (Doc. 14), Ms. Lee prays she be allowed an extension to respond to the Defendants' Motion to Dismiss until the Case Management Conference set for May 8, 2017, or in the alternative, twenty (20) additional days to respond to the motion. In support of this request Ms. Lee would state as follows:

1. This matter was removed from Tennessee Circuit Court on March 9, 2017;
2. The next day on March 16, the Defendant filed its Motion to Dismiss;
3. Inadvertently, counsel docketed the receipt of said motion on Monday, March 20, 2017 the date ECF notice was opened after being out of the office most of March 16, 2017 and all of March 17, 2017. Accordingly, Counsel believed his motion was timely until corrected by Defendants' counsel. If filed today, Ms. Lee's response would only be one (1) day late;
4. The Court's Case Management Conference is scheduled for May 8, 2017;
5. Since the case was filed in state court the plaintiff has identified an additional party which must be joined pursuant to Fed R. Civ. Pro. 19 and/or 20. Ms. Lee intends to seek leave prior to the Case Management Conference for the same in the next few days;

6. Counsel has had trouble scheduling time to meet with Ms. Lee and prays for a short extension of time to respond to the Motion to Dismiss;

7. The Defendants will not be prejudiced by this delay as this case removed from state court three (3) weeks ago; and,

8. Counsel conferred with Defendants' counsel and they object to the extension.

Therefore Ms. Lee prays:

1. That the Court grant him an extension to respond to the Defendants' Motion to Dismiss until the Case Management Conference set for May 8, 2017, or in the alternative, twenty (20) additional days to respond to the motion to respond; and,

2. For whatever relief is equitable and just.

Respectfully submitted:

____/s/____ James D. R. Roberts, Jr.
James D. R. Roberts, Jr, BPR# 017537
Brian I. Long, BPR# 32761
Creditor Law Center
Fmr. Roberts & Associates
1700 Hayes Street, Suite 201
Nashville, Tennessee 37203
(615) 242-2002 office
(615) 242-2042 facsimile
Jim.Roberts@CreditorLawCenter.com
www.CreditorLawCenter.com
Attorneys for Sandra Lee

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the forgoing has been sent by ECF to:

Ms. Heather Wright / Mr. Brian Epling
Bradly Arant
1600 Division Street, Suite 700
Nashville, Tennessee 37203-0025

H. Buckley Cole
HALL BOOTH SMITH P.C.
Fifth Third Center
424 Church Street, Suite 2950
Nashville, Tennessee 37219

On this the 31st day of March 2017.

/s/ James D. R. Roberts, Jr.
JAMES D. R. ROBERTS, JR.